

UNITED STATES DISTRICT COURT

Northern District of California

San Francisco Division

KENDRA NICOLE WALKER,

No. C 13-03601 LB

Plaintiff,

ORDER TO SHOW CAUSE

v.

MB FINANCIAL BANK, N.A.,

Defendant.

Plaintiff Kendra Nicole Walker filed this action against defendant MB Financial Bank, N.A. on August 2, 2013. Complaint, ECF No. 1.¹ She filed a First Amended Complaint on August 27, 2013. FAC, ECF No. 5. MB Financial answered her First Amended Complaint on September 18, 2013. Answer, ECF No. 9. All parties have consented to the undersigned's jurisdiction. Consent (Ms. Walker), ECF No. 7; Consent (MB Financial), ECF No. 14.

On September 23, 2013, MB Financial filed via the court's ECF system a motion to stay this action during the pendency and resolution of an Illinois state court case that was initiated prior to this action. Motion, ECF No. 11. Under Civil Local Rule 7-3(a), Ms. Walker's deadline to file an opposition to the motion was 14 days later, or by October 7, 2013. The court notes that Ms. Walker's counsel was served with the motion via ECF, and the court's docket notes that her

¹ Citations are to the Electronic Case File ("ECF") with pin cites to the electronically-generated page numbers at the top of the document.

1 opposition was due on October 7, 2013. To date, she has filed neither an opposition nor a statement
2 of non-opposition, even though Civil Local Rule 7-3(b) states that “[i]f the party against whom the
3 motion is directed does not oppose the motion, that party must file with the Court a Statement of
4 Nonopposition within the time for filing and serving any opposition.”

5 Accordingly, the court **ORDERS** Ms. Walker to show cause why she has failed to file either an
6 opposition or a statement of non-opposition to MB Financial’s motion to stay this action. She shall
7 do so by filing a written response by **5:00 p.m. on Tuesday, October 15, 2013**. The filing of a
8 statement of non-opposition will discharge this order to show cause. The failure to file a response
9 may be construed as a non-opposition to MB Financial’s motion and result in it being granted.

10 **IT IS SO ORDERED.**

11 Dated: October 11, 2013



12 LAUREL BEELER
13 United States Magistrate Judge
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